

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HiroYuki NAGASAKA

Application No. 10/534,143

Group Art Unit: 2611

Confirmation No. 4832

Filed: June 21, 2006

Examiner: Santiago Garcia

For: ULTRA WIDEBAND RADIO TRANSMITTER, ULTRA WIDEBAND RADIO RECEIVER,
AND ULTRA WIDEBAND RADIO COMMUNICATION METHOD

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sirs:

The Notice of Allowance mailed March 22, 2010, is acknowledged. The Issue Fee and the Publication Fee are being submitted herewith.

Pursuant to 37 CFR 1.104(e) and MPEP 1302.14, the applicant hereby provides the following comments on the Examiner's Statement of Reasons for Allowance on page 14 of the Notice of Allowability included in the Notice of Allowance.

MPEP 1302.14 states as follows in pertinent part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

On page 14 of the Notice of Allowability, the Office states as follows:

The [*sic*] following is an examiner's statement of reasons for allowance: The applicant discloses an Ultra-wide band system

which contains first, second and third match filters which are used to output at a predetermined time ahead of a reference signal when receiving the pulses. The adding the outputs of the first to third match filters and up-converting the output for transmission.

This statement appears to be based on the language of independent claim 1, but paraphrases the language of claim 1. Claim 1 as it was allowed in the Notice of Allowance of March 22, 2010, reads as follows (emphasis added):

1. An ultra wideband radio transmitter comprising:
 - a delay time controller for generating a periodic pulse, inputting the periodic pulse to a first matched filter, outputting the periodic pulse to a second matched filter when transmission data has a first level out of 2 logical levels, outputting the periodic pulse to a third matched filter when the transmission data has a second level out of the 2 logical levels;
 - the first matched filter for outputting a reference signal that becomes a data decision criterion when the periodic pulse is input thereto;
 - the second matched filter for outputting a first data signal a predetermined time ahead of the reference signal when the periodic pulse is input thereto;
 - the third matched filter for outputting a second data signal a predetermined time behind the reference signal when the periodic pulse is input thereto;
 - an adder for adding up outputs of the first to third matched filters;
 - a local oscillator for outputting a local signal for frequency-converting a corresponding addition signal at a high frequency band or a low frequency band;
 - a mixer for receiving the addition signal and the local signal, and frequency-converting the corresponding addition signal; and
 - an antenna for receiving the frequency-converted addition signal and radiating the frequency-converted addition signal in the air.

In particular, claim 1 as it was allowed in the Notice of Allowance of March 22, 2010, actually recites "frequency-converting a corresponding addition signal at a high frequency band or a low frequency band," rather than "up-converting" as stated by the Office.

Furthermore, independent claims 3 and 7-11 as they were allowed in the Notice of Allowance of March 22, 2010, recite similar, but somewhat different, features.

Furthermore, claims 1-4 and 7-11 were amended in the Amendment After Allowance Under 37 CFR 1.312 of May 5, 2010, which has been entered as indicated in the Office Communication of June 18, 2010. Amended claim 1 as it appears in the Amendment After Allowance Under 37 CFR 1.312 of May 5, 2010:

1. An ultra wideband radio transmitter comprising:
 - a delay time controller for generating a periodic pulse, inputting the periodic pulse to a first matched filter, outputting the periodic pulse to a second matched filter when transmission data has a first level out of 2 logical levels, outputting the periodic pulse to a third matched filter when the transmission data has a second level out of the 2 logical levels;
 - the first matched filter for outputting a reference signal that becomes a data decision criterion when the periodic pulse is input thereto;
 - the second matched filter for outputting a first data signal a predetermined time ahead of the reference signal when the periodic pulse is input thereto;
 - the third matched filter for outputting a second data signal a predetermined time behind the reference signal when the periodic pulse is input thereto;
 - an adder for adding up outputs of the first to third matched filters;
 - a local oscillator for outputting a local signal for frequency-converting an addition signal of the adder at a high frequency band or a low frequency band;
 - a mixer for receiving the addition signal and the local signal, and frequency-converting the addition signal; and
 - an antenna for receiving the frequency-converted addition signal and radiating the frequency-converted addition signal in the air.

In any event, the applicant agrees that claims 1-4 and 7-11 are patentable for at least the reasons discussed in the Response to Office Action of July 8, 2009, and the Response to Final Office Action of January 22, 2010.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Office's characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement of Reasons for Allowance is not accurate and precise, and might be construed as placing unwarranted interpretations upon the claims, and is therefore improper pursuant to MPEP 1302.14.

Respectfully submitted,

Date: June 22, 2010

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